



IT IS ORDERED as set forth below:

Date: October 17, 2023

James R. Sacca
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:)	CHAPTER 7
)	
TIP TOP TUX, LLC, <i>et al.</i>)	CASE NO. 23-57716-JRS
)	
<u>Debtors.</u>)	(Jointly Administered)

ORDER

Before the Court for hearing on October 16, 2023 (the “**Hearing**”), came *Trustee’s Emergency Motion to Sell Personal Property (Located at Debtors’ James Aldredge and Wharton Circle Warehouse) Through an Internet Auction* [Doc. No. 72] (the “**Sale Motion**”). The Sale Motion was filed by Chapter 7 Trustee Jason L. Pettie (the “Trustee”) on October 6, 2023 and seeks authority, pursuant to 11 U.S.C. § 363, to sell personal property that was used in the Debtors’ former tuxedo and formalwear rental business (the “**Personal Property**”) through a series of three internet auctions. The Court entered an *Order and Notice of Hearing* granting Trustee’s motion for an expedited hearing on the Sale Motion [Doc. No. 74] (the “**Order And Notice**”), Trustee asserts that that Sale Motion and the Order And Notice were properly served

on all requisite parties in interest pursuant to the Court's *Order and Notice Granting Trustee's Motion to Limit Service* that was entered in this case on August 31, 2023. No objection to the Sale Motion was filed prior to the Hearing. W. Steven Bryant and Steven Flynn appeared at the Hearing on behalf of SL5 ATL Industrial 2, LP, the landlord at the site of the Debtors' Wharton Circle warehouse ("**Wharton Landlord**"), and Pierce E. Rigney appeared at the Hearing on behalf of the Debtors' primary secured creditors, PMOF Special Situations Private Credit Fund LLC and Industrial Lending 1 SA; however, no party opposed the proposed sale of the Personal Property at auction. The Court having considered the Sale Motion and all other matters of record, and based on the foregoing, finding that no further notice or hearing is necessary; and, the Court having found good cause exists to grant the relief requested in the Sale Motion, it is hereby

ORDERED, that Sale Motion is GRANTED to the extent provided herein. It is further

ORDERED that the sale of the Personal Property is APPROVED and Trustee is authorized to sell the Personal Property through an internet auction (and not by private sale) to the highest bidder or bidders. It is further

ORDERED that upon consummation of the sale of the Personal Property, the transfer and assignment of the Personal Property shall be free and clear of all liens, claims, interests, and encumbrances of any kind or nature whatsoever, with any valid, perfected, enforceable, and unavoidable lien attaching to the proceeds of the sale with the same validity, priority, and extent that it had in the Personal Property. It is further

ORDERED that the sale of the Personal Property by Trustee is "as is," "where is," and without representation or warranty, express or implied, from Trustee. It further

ORDERED that upon Trustee formally notifying the Debtors' landlord at 140 James Aldredge Boulevard SW, Atlanta, Georgia 30336 (the "**JAB Location**") and the Wharton

Landlord, who is the landlord at 680 Wharton Circle SW, Atlanta, Georgia 30336 (the “**Wharton Location**”), that all of the sold Personal Property has been removed, any remaining personal property located at the JAB Location and the Wharton Location shall be deemed abandoned, and said landlords shall have no further liability to the Debtors’ estates and/or to any third parties. It is further

ORDERED that all distributions of proceeds from the sale of the Personal Property, including the payment of auctioneer’s compensation and expenses, landlord administrative expense claims, and payments to secured lienholders shall be made upon further order of this Court after appropriate notice and hearing. It is further

ORDERED, that Fed.R.Bankr.P. 6004(h) shall not apply to this Order, which shall be effective immediately so that the Trustee may proceed *instantly* with the sale, at which time the gross sales proceeds shall be paid to the Trustee pursuant to this Order. It is further

[END OF DOCUMENT]

Prepared and presented by:

TAYLOR ENGLISH DUMA LLP
Attorneys for Trustee

By: /s/ Jason L. Pettie
Jason L. Pettie, Trustee
Georgia Bar No. 574783
P.O. Box 17936
Atlanta, Georgia 30316
Telephone: (404) 638-5984
Email: trustee@jasonpettie.com

DISTRIBUTION LIST

William A. Rountree
Rountree Leitman Klein & Geer, LLC
Century Plaza I, Suite 350
2987 Clairmont Road
Atlanta, GA 30329

Jason L. Pettie
Taylor English Duma
Suite 200
1600 Parkwood Circle SE
Atlanta, GA 30339

Office of the United States Trustee
362 Richard Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

Pierce Rigney, Esq
Troutman Pepper
600 Peachtree St, NE, Ste 3000
Atlanta, GA 30308-2216

Gary W. Marsh, Esq
Troutman Pepper
600 Peachtree St, NE, Ste 3000
Atlanta, GA 30308-2216

140 JAB, LLC
c/o Paul J. Moronchnik, Esq.
Moronchnik Law, LLC
1080 Peachtree St NE, Ste 1210
Atlanta, Georgia 30309

W. Steven Bryant, Esq
Locke Lord LLP
300 Colorado Street, Ste. 2100
Austin, Texas 78701

Steven J. Flynn , Esq.
Locke Lord LLP
Terminus 200, Suite 2000
3333 Piedmont Rd. N.E.
Atlanta, GA 30305